

REMARKS

This responds to the final Office Action mailed on June 30, 2004.

No claims have been amended herein. Claims 1-34 and 37-41 are now pending in this application.

§103 Rejection of the Claims

Claims 1-2, 4-7, 10-11, 13, 15, 19-20, 22-23, 27-28, 30-31 were rejected under 35 USC § 103(a) as being unpatentable over Corbefin et al. (U.S. Patent No. 6,269,243) in view of Miyake (U.S. Patent No. 5,732,334). This rejection is respectfully traversed.

In the Response to Arguments section of the Office Action, it is stated that “The controller as broadly claimed in claim 1 reads on the control unit of Miyake (col. 2, line 22).” This response is respectfully traversed. Miyake, in the paragraph referred to, describes that “radio transmitters need to monitor the magnitude of the RF output signal at all times and carry out a negative feedback to prevent variations in the RF output signal;” It is clear that this is carried out in the radio transmitter itself. Claim 1 specifically calls out that the controller is separate from the wireless phone.

The wireless phone is not part of the telecommunication system being claimed. It is specifically excluded as an element of the claim, and clearly is not intended to be part of the claim. The first element of claim 1 describes “an interface device on board an aircraft that interfaces with a wireless phone of a user inside the aircraft and with a wireless bearer system;” This element makes it clear that the phone is not being claimed. If it is not being claimed, the next element is not in the phone, but is part of the telecommunication system that is being claimed: “a controller that controls RF emissions of the wireless phone to maintain the RF emissions below a predetermined level.” Thus, it is clear from the claim as written, that the controller is not part of the phone, and hence, Miyake does not provide teaching of the controller as one of the elements arranged as claimed in claim 1, and similarly in the other pending claims. A prima facie case of obviousness has not been established, and the rejection should be withdrawn.

Claims 3, 14, 21, 29, 37-38 were rejected under 35 USC § 103(a) as being unpatentable over Corbefein et al. (U.S. Patent No. 6,269,243) in view of Miyake (U.S. Patent No. 5,732,334) and further in view of Zicker (U.S. Patent No. 5,995,833). This rejection is respectfully traversed. Claims 3, 14, 21 and 29 depend from claims that are now believed allowable. It is requested that the rejection be withdrawn. Claims 37-38 are believed patentable for at least the same reasons as claim 1. Further, claim 37 specifically states “the base station controls RF emissions of the wireless phone to maintain the RF emissions below a predetermined level, the predetermined level being a level above which RF emissions will interfere with aircraft systems.” This makes it very clear that control of the RF emissions is not contained within the transmitter, and the rejection should be withdrawn.

Claims 9, 17, 25, 33, 40 were rejected under 35 USC § 103(a) as being unpatentable over Corbefein et al. (U.S. Patent No. 6,269,243) in view of Miyake (U.S. Patent No. 5,732,334) and further in view of Ray et al. (U.S. Patent No. 6,108,539). Since these claims depend from claims that are now believed allowable, the rejection is believed moot.

Allowable Subject Matter

Claims 8, 16, 24, 32, 39 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12, 18, 26, 34, 41 were indicated to be allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


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Date 8/30/2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of August, 2004.

CANDIS BUENDING

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